

EXHIBIT I

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1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA
3 SAN FRANCISCO DIVISION
4
5 -----
6 WAYMO LLC,)
7 Plaintiff,)
8 vs.) Case No.
9 UBER TECHNOLOGIES, INC.;) 17-cv-00939-WHA
10 OTTOMOTTO, LLC; OTTO TRUCKING LLC,)
11 Defendants.)
12 -----)
13
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16 VIDEOTAPED DEPOSITION OF ERIC FRIEDBERG
17 New York, New York
18 Thursday, September 28, 2017
19 Volume I
20
21 Reported by:
22 DANIELLE GRANT
23 Job No. 2714978
24
25 PAGES 1 - 304

Page 1

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1	to know for the purposes of my -- doing my	11:47:34
2	investigation. So that's why there's not a	11:47:38
3	lot of discussions about these things. But	11:47:41
4	it appeared that, you know, Uber was trying	11:47:43
5	in my view to conduct a good faith	11:47:52
6	investigation, an independent investigation,	11:47:56
7	and get independent validation that all the	11:47:58
8	diligence employees were not bringing Google	11:48:05
9	confidential information or -- with them.	11:48:13
10	And wanted to get a sense of their litigation	11:48:16
11	exposure with respect to people moving from	11:48:24
12	Google to Ottomotto and then Uber. And my	11:48:30
13	understanding, or assumption, was that Uber	11:48:34
14	was not going to proceed with the transaction	11:48:39
15	unless the individuals cooperated in the	11:48:44
16	venture, in the investigation.	11:48:50
17	Q So your testimony is you	11:48:56
18	believe that the diligence employees	11:48:58
19	cooperated in the process because Uber would	11:49:02
20	not have proceeded with the transaction	11:49:05
21	unless they did so; is that correct?	11:49:07
22	MS. BLUNSCHI: Object to the	11:49:11
23	form. He already said it's his	11:49:11
24	speculation.	11:49:15
25	MR. TAKASHIMA: Objection.	11:49:16

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1	MR. TAKASHIMA: Objection to	12:55:58
2	form.	12:56:00
3	A I don't know if I would put it	12:56:07
4	that they were different priorities. I mean,	12:56:08
5	we had a very large task ahead of us, which	12:56:11
6	was to sort out and sort through the 35,000	12:56:15
7	or so documents. And that was very, very	12:56:20
8	labor intensive. So I think if we had not	12:56:23
9	been asked to do the very deep forensics in	12:56:28
10	certain areas and to focus on, I think it was	12:56:31
11	really sort of the last access analysis, the	12:56:35
12	Shred Works analysis and other things, we	12:56:39
13	would have used that time to do further	12:56:42
14	document review. But it's not really our	12:56:47
15	priority. It's really for, you know, they	12:56:53
16	wanted to have some guidance as they were	12:56:56
17	moving towards that April date on the issues	12:56:59
18	subject to the interim reporting, so we	12:57:02
19	responded accordingly.	12:57:05
20	Q Did you believe that the	12:57:08
21	clients were more interested in minimizing	12:57:10
22	the issues that you had identified than they	12:57:13
23	were in discovering new issues during the	12:57:18
24	pre-acquisition investigation?	12:57:22
25	A Oh, no, not at all. It wasn't	12:57:23

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1	that at all. I think that, you know, the	12:57:24
2	issues that we raised were quite important,	12:57:26
3	and went to the heart of their issue -- the	12:57:31
4	heart of what they were asking us to	12:57:34
5	investigate. And the things that they asked	12:57:40
6	us to do really helped them and us run to	12:57:46
7	ground, to a more granular level, some of	12:57:55
8	those issues which they thought that were	12:57:59
9	key. But I would say, by the way, that those	12:58:01
10	things that they focused on were two of the	12:58:04
11	more central issues of the -- that were	12:58:08
12	surfaced by the investigation.	12:58:10
13	Q People on your team were	12:58:13
14	concerned that the interim reporting was	12:58:14
15	compromising, quote, integrity of your	12:58:17
16	review, weren't they?	12:58:21
17	MS. BLUNSCHI: Objection to	12:58:23
18	form.	12:58:23
19	MR. TAKASHIMA: Objection to	12:58:24
20	form.	12:58:24
21	A I've seen one e-mail regarding	12:58:25
22	that. I completely disagree with that. I	12:58:25
23	don't know why that was phrased that way. I	12:58:29
24	had no concern about that, but I know Mary --	12:58:32
25	you can see from my response in that e-mail,	12:58:33

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1	don't know what he meant by that.	03:57:01
2	Q Was Mr. Gardner in any way	03:57:09
3	trying to minimize the findings of this	03:57:13
4	self-identified report to make it more likely	03:57:17
5	that the acquisition of Ottomotto by Uber	03:57:22
6	would go forward?	03:57:30
7	MS. BLUNSCHI: Object to the	03:57:32
8	form.	03:57:32
9	A I have no idea what was in his	03:57:33
10	mind.	03:57:35
11	Q Did you ever -- I'm sorry,	03:57:37
12	were you done with your response?	03:57:38
13	A Yeah.	03:57:40
14	Q Did you ever get the sense	03:57:40
15	that either Mr. Gardner or outside counsel	03:57:42
16	for Morrison and Foerster and O'Melvney were	03:57:46
17	trying to minimize or isolate things that you	03:57:53
18	were finding so that they wouldn't raise	03:57:58
19	alarms with Uber or Ottomotto?	03:58:04
20	A I found the exact opposite	03:58:10
21	with respect to Uber and Ottomotto, that they	03:58:13
22	were interested in having a robust	03:58:16
23	independent investigation. The budget	03:58:20
24	mushroomed as more and more documents were	03:58:24
25	found, and the documents were hard to handle,	03:58:29

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1	and they supported that investigation without	03:58:32
2	any real serious push-back. So I didn't find	03:58:39
3	that to be the case. I found that they were	03:58:47
4	supportive of a robust investigation, we	03:58:50
5	conducted a robust investigation, and I	03:58:53
6	didn't feel like they were looking for	03:58:55
7	predetermined results or answers.	03:58:59

8	Q If you go forward to the page	03:59:10
9	ending on Bates 314636.	03:59:12

10	A 314636?	03:59:14
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11	Q Correct.	03:59:22
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12	A Yes.	03:59:23
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13	Q The bottom of the page, there	03:59:23
14	is an e-mail from Eric Tate?	03:59:24

15	A Okay.	03:59:35
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16	Q I want to look at the third	03:59:35
17	sentence beginning with "specifically." He	03:59:38
18	says, "Specifically, as there is uncertainty	03:59:41
19	as to whether the last access activity was	03:59:43
20	user- or system-initiated, Stroz should just	03:59:46
21	academic AL if he initiated the access to	03:59:51
22	those files." Do you see that?	03:59:53

23	A Yes.	03:59:56
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24	Q Do you know if that	03:59:57
25	conversation with Mr. Levandowski ever	03:59:58

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1 CERTIFICATE

2 STATE OF NEW YORK)

3) ss:

4 COUNTY OF RICHMOND)

5 I, DANIELLE GRANT, a Certified Shorthand
6 Reporter, and Notary Public within and
7 for the State of New York, do hereby
8 certify:

9 That ERIC FRIEDBERG, the witness whose
10 deposition is hereinbefore set forth,
11 was duly sworn by me and that such
12 deposition is a true record of the
13 testimony given by such witness.

14 I further certify that I am not related
15 to any of the parties to this action by
16 blood or marriage and that I am in no
17 way interested in the outcome of this
18 matter.

19 In witness whereof, I have hereunto set
20 my hand this 2nd day of October, 2017.

21

22

23

Danielle Grant

24

DANIELLE GRANT